IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 2914 of 2007
Date of decision: 5.3.2007

Pritam Singh and another ...Petitioners

Versus

State of Haryana and others ...Respondents.

CORAM:- HON'BLE MR. JUSTICE K.S.GAREWAL
HON'BLE MR. JUSTICE AJAI LAMBA

Present: Mr. Sandeep Sharma, Advocate,
for the petitioners.

K.S.GAREWAL, J.

Pritam Singh of Kirti Nagar, New Delhi and Inderjit Singh of Mansarover Garden, New Delhi have jointly filed this petition seeking release of their properties from acquisition.

The petitioners were owners of 7 kanals of land in Tikri. This land was covered under the notification issued by the State of Haryana for development and utilization of residential, commercial and institutional Sector 48, Gurgaon. The notification was issued on November 27, 2003 under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the Act). The declaration under Section 6 of the Act was issued on

November 24, 2004. During the interregnum, the petitioners filed objections under Section 5-A of the Act stating that they had constructed 'A' class construction for residential purpose on the land and had no house for residence except the house located on the acquired land. The petitioners requested for the release of the acquired land. It is obvious that the land was not released because subsequently the declaration was issued.

Learned counsel for the petitioners was unable to confirm whether the award has been passed but we think it is extremely unlikely that the Land Acquisition Collector would not have concluded the acquisition and passed the award since the declaration under Section 6 of the Act was issued long back in November 2004. Be that as it may, the petitioners have asserted that their land should be released from acquisition and have reiterated their demand through representation dated December 7, 2006.

In this petition, the petitioners have relied on photograph, Annexure P/5. The photograph shows two well dressed gentlemen standing on a plot of land, one of them is standing in front of two rooms. There is a rehra parked in one corner and a woman dressed in a saree is standing near the rehra. A car is also seen parked outside the property.

The petitioners cannot rely on this photograph because they have made no attempt to relate this photograph to their property. The petitioners have not disclosed when this photograph was taken, by whom it was taken and where was the negative of the photograph.

It is unbelievable that two well dressed men belonging to New Delhi would be living in this small hutment of two rooms shown in the photograph. In all likelihood the people living in this hut are the family of the rickshaw puller whose rehra is shown in the photograph and the woman

in the photograph is probably the rickshaw puller's wife. The petitioners arrived at the spot in a car which is visible through an open door. The petitioners are well dressed and appear to be quite affluent. They can hardly be persons living in the hutment shown in the photograph.

With the above telltale evidence about the nature of the property, and the type of use the property is being put as revealed in photograph Annexure P/5 and the other circumstances of the case, we find it extremely difficult to convince ourselves that the petitioners' property deserves to be recommended for release. Furthermore, the award too has been passed and the petitioners have failed to challenge the award. The petitioners have no case.

For the reasons afore-stated, we find no merit in this petition. Dismissed.

(K.S. GAREWAL)
JUDGE

5.3.2007 **(AJAI LAMBA)**
prem **JUDGE**